

**SCPD EXECUTIVE COMMITTEE MEETING**  
**MAY 31, 2016 – 1:30 PM**  
**APPOQUINIMINK STATE SERVICE CENTER - MIDDLETOWN, DE**

**Present:** Daniese McMullin-Powell, SCPD Chairperson; Jamie Wolfe, SCPD Vice-Chairperson (via phone); Brian Hartman, DLP; Ann Phillips, Family to Family; Wendy Strauss, GACEC; Lloyd Schmitz, Council on the Blind; Kyle Hodges, SCPD Director.

**CALL TO ORDER**

Daniese called the meeting to order at 1:42 PM. Daniese reported that, consistent with the by-laws, she has appointed Lloyd to serve the remainder of the term as an at-large member of the Executive Committee.

**ADDITIONS OR DELETIONS TO THE AGENDA**

If time allows, the P&L memo may be reviewed.

**BUSINESS**

SCPD By-Laws – Kyle had provided the email with Victoria Counihan’s suggestions to the draft by-laws prior to the SCPD and Executive Committee meetings. It was agreed at SCPD to bring back the suggestions to Executive Committee for consideration. The Committee discussed the recommendations and it was agreed to the following:

Article IV, Section A – it was agreed to use the suggested language: “a simple majority of the total membership”.

Article IV, Section B and Part 5 – After much discussion, it was agreed that the Brain Injury Committee (BIC) and Policy and Law Committee would be the committees which have the authority to take action consistent with its charge without approval of the full Council. The BIC is mandated by Statute which lists high level membership or their designees. Nick noted, and it was agreed, that SCPD should have a standing agenda item of Committee Reports. Kyle noted that he also staffs the Healthcare Committee of the Governor’s Commission on Building Access to Community-Based Services. It has had different functions over the years and is now focusing on health equity for persons with disabilities under a grant from CDS. This committee may be an ad hoc committee and it will be discussed again at the next SCPD meeting to get approval of this effort being classified as an ad hoc committee.

It was agreed that the Employment First Oversight Commission (EFOC) should be removed from this Section. It will be referenced under Purpose and Duties. Moreover, the Purpose and Duties Section should be updated to lists all 11 SCPD duties.

Article IV, Section D – it was agreed to leave “with jurisdiction”. The Director’s

authority to act is only if issues arise between meetings so, for example, if you have a housing issue that needs to be addressed and there is a BIC meeting the next day, one could literally argue that the housing issue should be brought to BIC. The “with jurisdiction” language is a clarifier.

Article V, Section B – It was agreed to delete the following language: “Voting by telephone, email or proxy is allowable.” Bottom line is that this is a violation of the Open Meeting Law. In addition, the draft by-laws contain language which address modifications of standards necessary to provide reasonable accommodations in conformity with federal law.

Article V, Section C – This section currently reads: “The Council may authorize modification of state meeting participation and voting standards and policies if necessary to provide a reasonable accommodation in conformity with federal law.” This covers ADA and Section 504 and it was agreed to leave this language. The ADA requires more than physical accessibility and providing interpreters to provide program accessibility. The following examples could require reasonable modifications to policies in order for a person with a disability to participate at an SCPD meeting and therefore have “program accessibility” to be ADA compliant:

- A person could have a compromised immune system and therefore cannot attend a public meeting.
- A person with exertional limits may not be able to make the trip into the building.
- People who are “bedridden”.
- A person who is institutionalized (e.g. at DPC) who wanted to participate at meetings.

It was agreed to leave the language as drafted to comply with the federal law. In addition, the ADA refers to modifications in policies and programs. Also, departments could have “policies” to implement the law, so this language would cover modifications to those policies and not just the Open Meeting Law. “Standards” cover applicable laws and regulations.

Council will also address amending the Code to address voting by telephone, etc. consistent with the State Use Commission Law.

Article VI – It was agreed to delete this section regarding Robert’s Rules of Order

Article II, Section C – it was agreed to delete “an alternate” and insert in lieu thereof “a designee” and delete “alternates” and insert in lieu thereof “designees”.

#### Other By-Laws Issues

Article II, Section E – delete “Office of Disability Affairs” and just list the Department of Safety and Homeland Security which is consistent with the statute.

Article 1, Section A.7 – Kyle noted that the State Code and our by-laws state that SCPD shall serve as a “central clearinghouse” for information and data. It was discussed whether Council is really a clearinghouse. It was agreed to leave the language for now and it can be addressed when the State Code is amended.

Article IV, Section A – consistent with discussion at the SCPD meeting, the Executive Committee will remain at 5 members-at-large.

Article IV, Section B.4. – it was agreed to include “may” before “provide” since biographies may not always be required.

SCPD Elections – Nick clarified that he will continue to serve as an at-large member of the Executive Committee for now and purposes of the election. It was discussed and agreed that the Chair propose to the Council that, since there is only 1 nominee for each elected position, could the Council have one vote for the complete slate of officers. If someone objects, or there are any other nominations, then each position (chair, vice-chair and Executive Committee members-at-large) would need a vote. There will also need to be a call for nominations from the floor prior to the vote. It was agreed that “bios” were not needed since everyone at this point is familiar with the nominees.

## **OTHER BUSINESS**

Given time constraints, Kyle will provide the Policy & Law memo to the Executive Committee for feedback.

## **ADJOURNMENT**

The meeting was adjourned at 3:33 PM.

Respectfully submitted,

Kyle Hodges  
SCPD Director  
exec comm/min april 16